

Permitting and Assistance Branch Staff Report
New Major Waste Tire Facility Permit for B J Used Tire & Rubber Recycling, Inc.
TPID No. 1001094
March 19, 2013

Background Information, Analysis, and Findings:

This report was developed in response to a New Major Waste Tire Facility Permit (WTFP) application received from the operator of B J Used Tire & Rubber Recycling, Inc., located at 14212 Santa Ana Avenue, in the City of Fontana (San Bernardino County), within a Community Industrial (CI) zone.

An application for a New Major WTFP was received by Permitting and Assistance Branch staff on September 18, 2012, which was accepted as complete on October 18, 2012. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a Major WTFP. CalRecycle is required to act by April 16, 2013.

B J Used Tire & Rubber Recycling, Inc. has been permitted as a minor waste tire facility since August 14, 2007, and allowed to store up to 4,999 whole waste tires and/or waste tire equivalents on-site. The Minor WTFP was renewed on August 13, 2012. The operator now proposes to store no more than 20,000 whole waste tires and/or waste tire equivalents on-site. No other changes are proposed.

Findings

Staff recommends approval of the issuance of the proposed Major WTFP. All of the required submittals and findings required by 14 CCR Section 18431 have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes the staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Staff of the Waste Evaluation and Enforcement Branch (WEEB) conducted an inspection of the facility on February 15, 2013. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) through (h)	All application forms were accepted by Permitting and Assistance Branch staff as complete on October 18, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Closure Costs & Financial Liability - 14 CCR, Section 18631(a)	On February 25, 2013, staff from the Financial Assurances Section found the Letter of Credit for closure costs and the Certificate of Liability Insurance meets state requirements.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Local Requirements 14 CCR, Section 18431(h)	<p><i>Local Vector Control:</i> The San Bernardino County Environmental Services - Vector Control's acceptance letter regarding vector control practices was issued by Wakoli Wekesa, PhD., Vector Ecologist, on March 19, 2012.</p> <p><i>Local Fire Authority:</i> The County of San Bernardino Fire Department staff completed CalRecycle's outdoor "Local Fire Approval Form" signed by Ms. Catherine Igiesias, Fire Prevention Officer, on April 11, 2012.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
California Environmental Quality Act (CEQA)	Acting as Lead Agency, CalRecycle prepared an Initial Study/Negative Declaration, State Clearinghouse No. 2013011004, for the issuance of the Major WTFP for this facility. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office	Approved on March 19, 2013	
Waste Evaluation and Enforcement Branch	Approved on March 6, 2013	

Compliance History

On June 15, 2011, staff of WEEB issued a Cleanup and Abatement Order to B J Used Tire & Rubber Recycling Inc., and ordered the operator to cease and desist from storing in excess of 4,999 waste tires on site without first obtaining a Major WTFP. Staff of WEEB conducted an inspection on October 15, 2012, and found the site out of compliance with the applicable Waste Tire Storage Standards. Staff of WEEB re-inspected the facility on February 15, 2013, and found the site in compliance with the applicable Waste Tire Storage Standards and to have 4,999 or less waste tires on-site in compliance with the existing minor WTFP.

Environmental Analysis

Under CEQA, CalRecycle must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed New Major WTFP before CalRecycle issues that permit. In this case, CalRecycle is a lead agency under CEQA and must make a determination as to whether this proposed WTFP is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

B J Used Tire & Rubber Recycling, Inc. is an existing waste tire facility that has been in operation since August 14, 2007. B J Used Tire & Rubber Recycling, Inc. is currently permitted under a Minor WTFP, issued on August 13, 2012, which allows for the storage of up to 4,999 waste tires.

The proposed Major WTFP is considered to be a project under CEQA [CEQA Guidelines 15378(a)(3)] and the facility is required to obtain a Major WTFP pursuant to 14 CCR Section 18420 for the outdoor storage of up to 20,000 waste tires.

The County of San Bernardino Planning Commission approved and issued a Conditional Use Permit, No. 0236-091-04, on January 26, 2007. The Conditional Use Permit allows for B J Used Tire & Rubber Recycling Inc., to operate and maintain a tire recycling facility within a CI zone. The facility is consistent with the County of San Bernardino's zoning designation and General Plan.

CalRecycle, acting as Lead Agency for CEQA, prepared an Initial Study/Negative Declaration (IS/ND) for the issuance of the Major WTFP to B J Used Tire & Rubber Recycling, Inc. in San Bernardino County, State Clearinghouse No. 2013011004, and was circulated for a 30 day comment period from January 4, 2013 to February 4, 2013. No comments were received. The IS/ND considered potential impacts associated with the storage of up to 20,000 waste tires at the facility. The IS/ND indicated that the project would not have a significant impact on the environment. CalRecycle adopted the Negative Declaration on February 8, 2013 and filed a Notice of Determination with the State Clearinghouse on February 11, 2013.

CalRecycle staff made the finding/determination that the IS/ND is appropriate for CalRecycle's issuance of this proposed Major WTFP in that it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment.

Staff recommends that CalRecycle, acting as a lead agency under CEQA, prepare a Notice of Determination, to be filed with the State Clearinghouse after CalRecycle's issuance of the Major WTFP, in that the proposed permit is to be issued to an existing facility that will not have significant environmental impacts.

Staff further recommends the IS/ND is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within CalRecycle's expertise and authority, or which are required to be carried out or approved by CalRecycle.

The administrative record for the decision to be made by CalRecycle includes the proposed Major WTFP and all of its components and supporting documentation, this staff report, the IS/ND and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comments during the CalRecycle Monthly Public Meetings on November 19, 2012, December 11, 2012, January 15, 2013, February 19, 2013, and March 13, 2013. No public comments have been received by CalRecycle staff.

Attachment: Major WTFP